

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DAVID WEXLER,

Plaintiff,

- against -

USIC LOCATING SERVICES, LLC

Defendant.

Docket No. 2:20-cv-1370-DRH-ARL

**[PROPOSED] DEFAULT JUDGMENT**

**WHEREAS**, this matter came before the Court on plaintiff David Wexler (“Plaintiff”)’s motion for entry of a default judgment against defendant USIC Locating Services LLC (“Defendant”) under Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Rule 55.2.

**WHEREAS**, Plaintiff filed his application for entry of default judgment seeking \$7,500.00 in statutory damages under 17 U.S.C. § 504(c); \$5,000.00 in statutory damages under 17 U.S.C. § 1202(b)(3); \$315.00 in attorneys’ fees and \$440.00 costs under 17 U.S.C. § 505; and for such further relief as this Court deems just and proper.

**WHEREAS**, Defendant has not filed any opposition to Plaintiff’s application for default judgment. The Court scheduled a hearing for Plaintiff’s application on \_\_\_\_\_, \_\_\_\_\_ and Defendant failed to appear.

**THEREFORE, IT IS ADJUDGED AND ORDERED** that Plaintiff’s Application for Entry of Default Judgment is GRANTED pursuant to Fed.R.Civ.P. 55(b)(2); it is

**FURTHER ORDERED** that the Court declares that Defendant violated Plaintiff's exclusive rights under 17 U.S.C. § 106 of the Copyright Act by engaging in unauthorized copying of Plaintiff's registered work; it is

**FURTHER ORDERED** that Defendant shall pay \$7,500.00 in statutory damages under 17 U.S.C. § 504(c); it is

**FURTHER ORDERED** that Defendant shall pay \$5,000.00 in statutory damages under 17 U.S.C. § 1203(c)(3)(B); it is

**FURTHER ORDERED** that Defendant shall pay \$315.00 in attorneys' fees and \$440.00 in costs pursuant to 17 U.S.C. § 505; it is

**FURTHER ORDERED**, that Defendant shall post-judgment interest under 28 U.S.C.A. § 1961; it is

**FURTHER ORDERED** that this Court retains jurisdiction over any matter pertaining to this judgment; and it is

**FURTHER ORDERED** that this case is dismissed and the Clerk of the Court shall remove it from the docket of the Court.

This is a final appealable order. *See* FED. R. APP. P. 4(a).

Dated: \_\_\_\_\_

**SO ORDERED.**

\_\_\_\_\_  
Denis R. Hurley (U.S.D.J.)